

## 2017 Annual Town Meeting Zoning Amendments

**ARTICLE 24:** To see if the Town will vote to amend the Town of Freetown Protective By-laws, Article 11, Section 11.18 (H), "Uses", by deleting reference to "G -1" and insert in place thereof "(H) (I.)" and to add the following sentence, "All uses not designated in Section 11.18 (H) (I.) Table of Use Regulations shall be allowed only by special permit following a public hearing and review by the Special Permit Granting Authority. Uses permitted by right or by special permit shall be subject to all other applicable provisions of this By-Law including, but not limited to Site Plan Review, Off-Street Parking and Loading Regulations, Sign Bylaw, and applicable Overlay District Regulations.";

To amend the Town of Freetown Protective By-laws, Article 11 Zoning By-Laws, Section 11.18 (I),

"Special Permits" by deleting the sentence "The Planning Board is designated as the Special Permit Granting Authority for the purpose of granting special permits as cited in the Table of Use Regulations." and inserting in place thereof, "The Planning Board is designated as the Special Permit Granting Authority for the purpose of granting special permits as cited in Section 11.18 (H), "Uses", and (H) (1.) the Table of Use Regulations"; such amendments as on file in the office of the Town Clerk and Planning Board Office; and/or take any other action relative thereto.

**Explanation: This article would correct a numbering error in this subsection of the by law as well as outline a process that an applicant with a proposed use not currently found in the Table of Regulations can undergo.**

---

### **Amendment to Article 11.18 (H) Pursuant to Town Meeting Adoption:**

**H. Uses:** A use listed in the table in Section 11.18, (H) (1.) is permitted in any district under which it is denoted by the letter "Y" subject to such requirements as may be specified elsewhere in this, or other, By-Law. If designated in the Table by the letters "SP" the use may be permitted as an exception only if the Special Permit Granting Authority so determines and grants a Special Permit, subject to such restrictions as set forth elsewhere in this By-Law and such further restrictions as said Special Permit Granting Authority may establish. The letter "N" shall designate that the use is not permitted. All uses not designated in Section 11.18 (H) (1.) Table of Use Regulations shall be allowed only by special permit following a public hearing and review by the Special Permit Granting Authority. Uses permitted by right or by special permit shall be subject to all other applicable provisions of this By-Law including, but not limited to Site Plan Review, Off-Street Parking and Loading Regulations, Sign Bylaw, and applicable Overlay District Regulations.

### **Amendment to Article 11.18 (I) Pursuant to Town Meeting Adoption:**

#### **I. Special Permits:**

The Planning Board is designated as the Special Permit Granting Authority for the purpose of granting special permits as cited in Section 11.18 (H), "Uses", and (H) (1.) the Table of Use Regulations. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and or departments, the SPGA may grant such a permit. The Special Permit Granting Authority shall have the power to impose reasonable conditions and modifications, including limitations of time and use, as a condition of a Special Permit, and may secure compliance of performance by requiring the posting of a bond or other safeguards. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA.



For Profit Education	N	SP	SP	N	SP	N	N	SP
Museum or Art Gallery less than 2,500 sf	SP	Y	SP	SP	Y	N	SP	SP
Museum or Art Gallery of 2,500 sf or greater	N	Y	SP	SP	SP	N	N	SP
Retail or wholesale business or service less than 10,000 sf. not involving manufacture on the premises	N	<u>Y<sup>1</sup></u>	<u>SP<sup>2</sup></u>	<u>SP<sup>2</sup></u>	<u>Y<sup>3</sup></u>	N	N	<u>Y<sup>4</sup></u>

---

<sup>1</sup> Hours of Operation limited from 5:00 AM - 10:00 PM unless a special permit is obtained through the Special Permit Granting Authority

<sup>2</sup> Hours of Operation limited from 5:00 AM - 12:00 AM unless a special permit is obtained through the Special Permit Granting Authority

<sup>3</sup> Hours of Operation limited from 7:00 AM - 7:00 PM unless a special permit is obtained through the Special Permit Granting Authority

<sup>4</sup> Hours of Operation limited from 7:00 AM - 9:00 PM unless a special permit is obtained through the Special Permit Granting Authority

<u>USE</u>	<u>DISTRICT</u>							
	<u>R</u>	<u>B</u>	<u>I</u>	<u>I/2</u>	<u>G</u>	<u>OSR</u>	<u>VR</u>	<u>VB</u>
Retail or wholesale business or service of 10,000 sf. or greater not involving manufacture on the premises	N	<u>SP<sup>1</sup></u>	<u>SP<sup>2</sup></u>	<u>SP<sup>2</sup></u>	<u>SP<sup>3</sup></u>	N	N	<u>SP<sup>4</sup></u>
Business or professional office less than or equal to 10,000 sf.	N	Y	Y	Y	SP	N	N	SP
Business or professional office 10,000 sf. or greater	N	Y	Y	Y	SP	N	N	SP
Restaurant less than or equal to 2,500 sf	N	<u>Y<sup>1</sup></u>	<u>Y<sup>2</sup></u>	<u>Y<sup>2</sup></u>	<u>Y<sup>3</sup></u>	N	N	<u>Y<sup>4</sup></u>
Restaurant of 2,500 sf or greater	N	<u>Y<sup>1</sup></u>	<u>Y<sup>2</sup></u>	<u>Y<sup>2</sup></u>	<u>Y<sup>3</sup></u>	N	N	<u>SP<sup>4</sup></u>
Restaurant with drive-through	N	<u>SP<sup>1</sup></u>	<u>SP<sup>2</sup></u>	<u>SP<sup>2</sup></u>	N	N	N	N
Banquet Facilities less than or equal to 15,000 sf	N	Y	Y	N	Y	N	N	N
Banquet Facilities 15,000 sf or greater	N	SP	Y	N	SP	N	N	N
Theater, bowling alley or other commercial amusement provided all business is conducted within the structure	N	Y	SP	SP	N	N	N	N
Motor vehicle sales, rental, or repair shop	N	Y	Y	Y	SP	N	N	N
Veterinary office, animal hospital, kennel, or animals sales	N	SP	Y	Y	SP	N	N	N
Drive-through facilities associated with any commercial use (bank, drug store, etc.)	N	<u>SP<sup>1</sup></u>	<u>SP<sup>2</sup></u>	<u>SP<sup>2</sup></u>	N	N	N	N
Scrap/Junk/Salvage Yard	N	N	<u>SP<sup>2</sup></u>	<u>SP<sup>2</sup></u>	SP	N	N	N
Earth removal for commercial purposes	<b>See: Protective By-laws, Article 6 Soil Removal</b>							
Bus or railroad terminal or passenger station	N	SP	SP	SP	SP	N	N	N

<sup>1</sup> Hours of Operation limited from 5:00 AM - 10:00 PM unless a special permit is obtained through the Special Permit Granting Authority

<sup>2</sup> Hours of Operation limited from 5:00 AM - 12:00 AM unless a special permit is obtained through the Special Permit Granting Authority

<sup>3</sup> Hours of Operation limited from 7:00 AM - 7:00 PM unless a special permit is obtained through the Special Permit Granting Authority

<sup>4</sup> Hours of Operation limited from 7:00 AM - 9:00 PM unless a special permit is obtained through the Special Permit Granting Authority

Hospital, convalescent or nursing  
home

N

SP

SP

N

SP

N

N

N

**ARTICLE 11.18 cont.**

<u>USE</u>	<u>DISTRICT</u>							
	<u>R</u>	<u>B</u>	<u>I</u>	<u>I/2</u>	<u>G</u>	<u>OSR</u>	<u>VR</u>	<u>VB</u>
Funeral parlor	N	Y	Y	Y	Y	N	N	N
Crematory	N	N	SP	SP	N	N	N	N
Cemetery	SP	N	N	N	Y	Y	SP	N
Golf Course	SP	SP	SP	SP	SP	N	N	N
Recreational or sports facilities including day or seasonal camp for children	SP	SP	SP	SP	SP	Y	N	N
Race track (outdoor)	N	N	N	N	N	N	N	N
Race track (indoor)	N	N	SP	N	N	N	N	N
Warehouse or facilities for distributing merchandise	N	Y	Y	Y	SP	N	N	N
Plant for manufacturing, processing, fabricating or assembly	N	SP	Y	Y	SP	N	N	N
Research Laboratory	N	SP	Y	Y	SP	N	N	N
Dry Cleaning plant	N	N	SP	SP	N	N	N	N
Retail or wholesale Fuel establishment involving storage and distribution	N	SP	SP	SP	SP	N	N	N
Hazardous waste facilities for the storage, treatment, dewatering, refining, incinerating, reclamation, stabilization, solidification, or disposal of hazardous wastes	N	N	N	N	N	N	N	N
Commercial tower and/or antenna *See also Article 11, Section 11.17 of the Freetown Protective By-Laws	N	Y	Y	Y	Y	N	N	N
Adult Entertainment Establishments	N	N	N	SP	N	N	N	N
Any proposed shopping centers, retail establishments, and/or wholesale establishments that exceed 25,000 square feet of floor area as described in Article 11.22	N	N	SP	SP	N	N	N	N



**ARTICLE 26:** To see if the Town will vote to amend the Town of Freetown Protective By Laws, Article 11 Zoning by Laws by deleting Section 11.30 (E.) Allowed Uses in its entirety and inserting in place thereof Section 11.30 (E.) Uses; and by deleting Section 11.30 (F.) Uses Allowed by Special Permit in its entirety and inserting in place thereof Section 11.30 (F.) Signage; and by deleting Section 11.30 (H.)(2); further to see if the Town will vote to amend the Town of Freetown Protective By-laws, Article 11 Zoning By-laws by adding a column to Section 11.18 H. 1. Table of Use Regulations, outlining the uses allowed, not allowed, or allowed by special permit within the Science and Technology Overlay District; further, to amend the Town of Freetown Protective By-Laws, Article 11 Zoning By-Laws Outline, to reflect these changes; and further, that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format; A copy of the proposed changes to the Town of Freetown Protective By-laws may be viewed at the office of the Town Clerk or the Planning Board Office, Freetown Town Hall, 3 North Main Street, Assonet, MA. And/or take any other action relative thereto.

**Explanation: This article lends further clarification of the uses that are permissible within the Science and Technology Overlay District.**

---

### **Section 11.30 Science and Technology Overlay District *STM 10/27/14***

#### **A. Purpose.**

The intent of this Science and Technology Overlay District (STOD) is to promote technological, commercial, and light industrial development and employment opportunities. This by-law may encourage greater flexibility in the development of a variety of commercial sites, than is otherwise permitted in the underlying district. The intent, furthermore, is to enhance business vitality, and provide employment opportunities for residents close to home. The STOD is also established to fulfill the following additional intents:

1. Promote high value buildings and equipment that maximize tax revenues;
2. Promote and increase the visibility of Freetown as a community open to assisting appropriate commercial, technological, and industrial developments;
3. Accommodate for the increasing demand for corporate, technological, research and development sites;
4. Promote professional and technically skilled employment opportunities for our region.

#### **B. Applicability.**

The area known as the STOD shall be designated as an overlay district as shown on the official Town of Freetown Zoning Map, dated June 4, 2012, or as amended. The provisions of Section 11.30 shall apply to land within the STOD on the zoning map, as amended from time to time. As such, all zoning rules of the underlying zone shall remain in full force and effect, except when otherwise specified in this by law.

#### **C. Special Permit Granting Authority.**

The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for an applicant seeking a use that requires a special permit within the STOD. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. The SPGA may impose, in addition to any applicable conditions specified in this section, such conditions as the SPGA finds reasonably appropriate to improve the site design and address concerns including, but not limited to: water and air quality, other environmental resources, traffic, safety and/or other concerns related to the purpose of this section. In reviewing a request for a special permit under this section, the SPGA may properly consider the design, capacity and adequacy of public ways serving the proposed site. The applicant may also be required, as a condition to special permit, to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA. All such conditions shall be imposed in writing.

#### **D. Multiple Review Procedures.**

In the instance that a project requires both a Site Plan Review and Special Permits for which the Planning Board serves as the special permit granting authority, the SPGA shall consolidate the site plan review into the special permit procedures and the timetable for decision shall conform thereto. If multiple special permits are required for a project, the SPGA shall consolidate the review processes for all special permits into one review procedure.

#### **~~E. Allowed Uses~~**

~~In the STOD buildings may be constructed, altered, enlarged, or reconstructed for one or more of the following specified single or mixed uses and uses customarily accessory to such uses:~~

- ~~1. Office of any kind~~
- ~~2. Educational~~
- ~~3. Manufacturing~~

- 4. ~~Assembling~~
- 5. ~~Packaging~~
- 6. ~~Industrial research and development~~
- 7. ~~Bio technology~~
- 8. ~~Processing~~
- 9. ~~Fabrication~~
- 10. ~~Warehousing~~
- 11. ~~Wholesaling~~
- 12. ~~Public or commercial parking lot~~
- 13. ~~Distribution~~

**E. Uses**

Use regulations for the STOD shall be as specified in Article 11.18 (H.)(1) Table of Use Regulations. In addition, the STOD buildings may also be constructed, altered, enlarged, used or reconstructed for one or more of the following specified single or mixed uses and uses customarily accessory to such uses:

- 1. Packaging
- 2. Industrial research and development
- 3. Bio-technology
- 4. Wholesaling
- 5. Public or commercial parking lot
- 6. Distribution

**F. ~~Uses allowed by Special Permit~~**

~~In a specific case, the SPGA shall, after a public hearing, grant a permit for the following uses unless in the opinion of the board, such use would be detrimental to the STOD and would not be in the best interest of the town of Freetown. The Planning Board shall be considered the SPGA unless otherwise noted.~~

- 1. ~~To locate a display sign in a location or of a type different from those allowed in the underlying district.~~

**F. Signage**

In a specific case, the SPGA shall, after a public hearing, grant a permit for the installation of signage in a location or of a type different from those allowed in the underlying district, unless in the opinion of the Board, such use would be detrimental to the STOD and would not be in the best interest of the Town of Freetown. The Planning Board shall be considered the SPGA unless otherwise noted.

**G. Density and Dimensional Requirements:**

For any building(s) within the STOD the following Density and Dimensional Requirements shall apply from interior roadways:

*Table 1: Minimum Setbacks*

<i>Building Setbacks</i>	<i>Minimum feet</i>
Front	30
Side	20
Rear	20

*Table 2: Minimum Dimensional Requirements*

	Without municipal water and municipal sewer	With municipal water and mun sewer
Minimum Lot Area	70,000 sq ft	10,000 sq ft

Minimum Frontage	175	100 ft
Maximum Height	55	55
Maximum Number of Stories	3.5	3.5
Maximum Impervious Coverage	80%	80%

**H. District Regulations:**

1. No structure shall be constructed, altered, reconstructed, raised up or moved so as to contain more than 3.5 stories, or so as to exceed in any part a height of 55 feet, except in the case of chimneys, ventilators, tanks, bulkheads, and other accessory features required above roofs, and also in the case of towers, spires, domes, and ornamental features of churches and other nonresidential buildings.

~~2. Banks, restaurants, and service and retail uses shall be permitted but shall be limited to an area which is 5 percent of the gross floor space, or 1,000 sq. feet, whichever is less, unless otherwise permitted by the SPGA.~~

~~32.~~ No business activities shall be carried on in the overlay district that are injurious, obnoxious, or offensive to the neighborhood by reason of noise, vibration, smoke, cinders, odor, gas, fumes, dust, chemical, radio frequencies, explosive, and hazardous materials or other objectionable features.

~~43.~~ Adequate provision is made for the off street parking provision of all vehicles including those of employers, employees, and visitors.

### 1. Table of Use Regulations:

R - Residential, B - Business, I - Industrial, I/2 - Industrial 2, G – General, OSR – Open Space & Recreation,  
 VB - Village Business and VR - Village Residential *STM 3/24/97, ATM 5/7/07, STM 10/27/08, ATM 6/1/09, ATM 06/07/2010,  
 ATM 6/4/2012, ATM 6/3/13*

<u>USE</u>	<u>DISTRICT</u>								
	<u>R</u>	<u>B</u>	<u>I</u>	<u>I/2</u>	<u>G</u>	<u>OSR</u>	<u>VR</u>	<u>VB</u>	<u>STOD</u>
Single-family detached dwellings	Y	SP	N	N	Y	N	Y	Y	N
A duplex house	Y	SP	N	N	Y	N	Y	Y	N
Multi-Family	SP	SP	N	N	SP	N	SP	SP	N
Accessory Apartments	SP	N	N	N	SP	N	SP	SP	N
Dwelling units located above a first-floor non-residential use	N	SP	SP	N	SP	N	SP	SP	N
Home Occupations that comply with Section 11.15	Y	Y	N	N	Y	N	Y	Y	N
Home Occupations that do not comply with Section 11.15 to subject to Section 11.16	SP	SP	N	N	SP	N	SP	SP	N
Hotel or Motel	N	Y	Y	Y	N	N	N	N	Y
Bed and Breakfast, up to 6 guest rooms	SP	Y	Y	Y	Y	N	SP	SP	Y
Rooming house	N	N	N	N	N	N	N	N	N
Agriculture including the care, feeding or sheltering of farm animals, including the raising of crops- indoors or outdoors on parcels 5 acres or greater	Y	Y	Y	Y	Y	Y	Y	Y	Y
Religious, educational, or municipal use by the Town of Freetown	Y	Y	Y	Y	Y	Y	Y	Y	Y
For Profit Education	N	SP	SP	N	SP	N	N	SP	Y
Museum or Art Gallery less than 2,500 sf	SP	Y	SP	SP	Y	N	SP	SP	Y
Museum or Art Gallery of 2,500 sf or greater	N	Y	SP	SP	SP	N	N	SP	Y
Retail or wholesale business or service less than 10,000 sf. not involving manufacture on the premises	N	Y	SP	SP	Y	N	N	Y	Y

<u>USE</u>	<u>DISTRICT</u>								
	<u>R</u>	<u>B</u>	<u>I</u>	<u>I/2</u>	<u>G</u>	<u>OSR</u>	<u>VR</u>	<u>VB</u>	<u>STOD</u>
Retail or wholesale business or service of 10,000 sf. or greater not involving manufacture on the premises	N	SP	SP	SP	SP	N	N	SP	Y
Business or professional office less than or equal to 10,000 sf.	N	Y	Y	Y	SP	N	N	SP	Y
Business or professional office 10,000 sf. or greater	N	Y	Y	Y	SP	N	N	SP	Y
Restaurant less than or equal to 2,500 sf	N	Y	Y	Y	Y	N	N	Y	Y
Restaurant of 2,500 sf or greater	N	Y	Y	N	Y	N	N	SP	Y
Restaurant with drive-through	N	SP	SP	SP	N	N	N	N	Y
Banquet Facilities less than or equal to 15,000 sf	N	Y	Y	N	Y	N	N	N	Y
Banquet Facilities 15,000 sf or greater	N	SP	Y	N	SP	N	N	N	Y
Theater, bowling alley or other commercial amusement provided all business is conducted within the structure	N	Y	SP	SP	N	N	N	N	Y
Motor vehicle sales, rental, or repair shop	N	Y	Y	Y	SP	N	N	N	Y
Veterinary office, animal hospital, kennel, or animals sales	N	SP	Y	Y	SP	N	N	N	Y
Drive-through facilities associated with any commercial use (bank, drug store, etc.)	N	SP	SP	SP	N	N	N	N	Y
Scrap/Junk/Salvage Yard	N	N	Y	Y	SP	N	N	N	N
Earth removal for commercial purposes	<b>See: Protective By-laws, Article 6 Soil Removal</b>								
Bus or railroad terminal or passenger station	N	SP	SP	SP	SP	N	N	N	SP
Hospital, convalescent or nursing home	N	SP	SP	N	SP	N	N	N	SP

**ARTICLE 11.18 cont.**

<u>USE</u>	<u>DISTRICT</u>								
	<u>R</u>	<u>B</u>	<u>I</u>	<u>I/2</u>	<u>G</u>	<u>OSR</u>	<u>VR</u>	<u>VB</u>	<u>STOD</u>
Funeral parlor	N	Y	Y	Y	Y	N	N	N	Y
Crematory	N	N	SP	SP	N	N	N	N	SP
Cemetery	SP	N	N	N	Y	Y	SP	N	N
Golf Course	SP	SP	SP	SP	SP	N	N	N	SP
Recreational or sports facilities including day or seasonal camp for children	SP	SP	SP	SP	SP	Y	N	N	SP
Race track (outdoor)	N	N	N	N	N	N	N	N	SP
Race track (indoor)	N	N	SP	N	N	N	N	N	SP
Warehouse or facilities for distributing merchandise	N	Y	Y	Y	SP	N	N	N	Y
Plant for manufacturing, processing, fabricating or assembly	N	SP	Y	Y	SP	N	N	N	Y
Research Laboratory	N	SP	Y	Y	SP	N	N	N	Y
Dry Cleaning plant	N	N	SP	SP	N	N	N	N	SP
Retail or wholesale Fuel establishment involving storage and distribution	N	SP	SP	SP	SP	N	N	N	SP
Hazardous waste facilities for the storage, treatment, dewatering, refining, incinerating, reclamation, stabilization, solidification, or disposal of hazardous wastes	N	N	N	N	N	N	N	N	N
Commercial tower and/or antenna *See also Article 11, Section 11.17 of the Freetown Protective By-Laws	N	Y	Y	Y	Y	N	N	N	Y
Adult Entertainment Establishments	N	N	N	SP	N	N	N	N	N
Any proposed shopping centers, retail establishments, and/or wholesale establishments that exceed 25,000 square feet of floor area as described in Article 11.22	N	N	SP	SP	N	N	N	N	Y



**ARTICLE 27:** To see if the Town will vote to amend the Town of Freetown Protective By-laws, Article 11 Zoning By-laws, Section 11.20 (D) to correct the numbering of this subsection. A copy of the proposed changes to the Town of Freetown Protective By-laws may be viewed at the office of the Planning Board and the Town Clerk, Freetown Town Hall, 3 North Main Street, Assonet, MA. And/or take any other action relative thereto.

**Explanation: This article would include correct the number formatting/or Section 11.20 D of the Zoning Bylaws.**

---

## **ARTICLE 11 (11.20D)**

**D. General Regulations:** The provisions of Section 11.20D shall apply to signs in all zoning districts. Additional specific regulations for Residential, General Use, Business & Industrial districts are set forth in Sections 11.20C and 11.20D respectively.

1. **General Guidelines:** No sign shall be erected or maintained unless its subject matter relates exclusively to the premises on which it is located, or to products, accommodations, services, or activities on those premises.
2. **Permitted Government or Special Signs:** Any sign owned and installed by a governmental agency, or required by any law, governmental order or regulation is not subject to this By-Law. Signs mounted on registered motor vehicles or carried by hand and not subject to this By-Law.
3. **Residences:** Two signs, up to four (4) square feet in area each, are permitted per residential building indicating the name and address of the occupants therein.
4. **Religious Institutions:** Two signs identifying churches, synagogues, and other similar religious uses are permitted on each street frontage, one of which may not exceed 20 square feet in area and the other of which may not exceed 10 square feet in area. One sign may be a standing sign used for notices and announcements of events at the religious institution.
5. **Temporary Signs:**
  - a.) **Permitted Temporary Signs:** The following types of temporary signs are permitted: Signs banners, and posters covering social and holiday events as well as signs pertaining to a candidate for an elected local, county, state or national government office or a ballot question that will appear on the ballot at any local, county, state or national election. Signs pertaining to yard sales and fundraising events are permitted. A Real Estate sign advertising the sale or rental of the premises on which it is located is permitted. Real estate development signs may be erected on subdivisions of land solely to advertise the selling of land or buildings in said subdivision, but not more than one sign shall face the same street.
  - b.) **Temporary Sign Limitations:** Signs shall not be erected sooner than Thirty (30) days before the event to which they pertain (i.e., the offering for sale or lease of the premises, the commencement of construction or the election) and shall be removed within seven (7) days after the conclusion of the event to which they pertain.
    - (A.) No signs shall be lighted.
    - (B.) All signs shall meet the standards as set forth in 11.20D.
    - (C.) With the exception of Real Estate Development Signs, no sign shall exceed six (6) square feet in area, and shall not exceed forty (40) inches in length or thirty-six (36) inches in width, excluding supporting materials. Real Estate Development signs shall not exceed twenty (20) square feet in area and not more than 10 feet in any dimension.
    - (D.) No mechanical or electrically powered signs or signs with moving parts shall be permitted.
    - (E.) No more than Three (3) temporary signs per dwelling unit or per lot, whichever is greater, shall be erected at the same time.
    - (F.) Signs must be firmly attached to a supporting device and present no undue hazard to the public.
6. **Directional Signs:** Directional signs not exceeding three square feet in area may be used without limitation where needed on private property.
7. **Illumination:**
  - a.) No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m., except signs on premises open for business and then only upon issuance of a special permit by the SPGA.
  - b.) Exterior illumination of signs shall be shielded, directed solely at the sign, and be steady and stationary.

- c.) No internal illumination of a sign is permitted except upon issuance of a special permit by the SPGA.
- d.) The illumination of any sign shall not exceed 150-foot lamberts.
- e.) Any sign which is externally illuminated shall be a minimum distance of 100 feet between the leading edge of the illuminated sign and the adjoining residential property line.

8. **Height:** No ground sign shall exceed 20 feet in height as measured from the ground level to the top of the sign.

9. **Signs Cannot Interfere with Traffic:** No sign, including window displays, or their illuminators shall by reason of its location, shape, size or color interfere with traffic or be confused with or obstruct the view or the effectiveness of any official traffic sign, traffic signal or traffic marking. No red or green lights shall be used on any sign if, in the opinion of the Building Inspector with the advice of the Chief of Police, such lights would create a driving hazard.

~~10.~~ **10. Construction:** No sign shall be painted or posed directly on the exterior surface of any wall. All exterior, attached signs, except awning signs, shall be painted, posted or otherwise securely affixed to the wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth of projection of one fourth (1/4) of an inch. The construction of the sign shall comply with the State Building Code.

~~11.~~ **11. Maintenance:** Every sign shall be maintained in good condition. If a sign shows corrosion or deteriorated paint over 25% of the area of one side or if damage to the sign causes the loss of 10% of its substance or if the sign suffers damage or deterioration which creates a risk of harm to the person or property of another, it shall be repaired or removed.

~~12.~~ **12. Prohibited Signs:** The following types of signs are prohibited.

- A.) Neon, gas-filled tube type illuminated signs are not permitted. No sign shall produce glare or incorporate in any manner flashing, moving or intermittent lighting, excluding public service signs showing time and temperature.
- B.) Wind signs, including banners, pennants, spinners, streamers, and other wind activated components. However a single flag or banner, such as one containing advertising matter, for each establishment or business on the lot, may be allowed in a commercial zoning district provided that the flag or banner not exceed 3 x 5 feet. As provided in subparagraph 11.20D (1), a government flag is not subject to this provision.
- C.) String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration.
- D.) Signs erected so as to obstruct any door, open-able window or fire escape on a building.
- E.) Billboards or non-accessory signs.
- F.) Portable, platform-mounted, frame mounted or trailer-mounted signs.
- G.) Any sign emitting sound shall be prohibited. (Exception: Menu boards in conjunction with restaurant drive-through pick up are allowed a speaker through which orders may be placed and confirmed subject to the restrictions noted in this by-law.
- H.) Signs on Natural Features and Utility Poles are prohibited. No sign shall be permitted to be painted on, attached to, or maintained upon utility poles, trees, shrubs, rocks or other natural features, except that historical or commemorative plaques may be mounted in rocks and that "No Trespassing", "No Hunting", "Property Boundary", or "Ownership" signs may be mounted on trees, rocks, shrubs or other natural features.
- I.) Obscene Signs Prohibited. No sign shall contain words, statements, or graphic descriptions of an obscene or indecent nature.
- J.) Signs which interfere with official signs and traffic control devices.
- K.) Signs which prevent the driver of a vehicle from having a clear and unobstructed view, from an adequate safe distance, of any official sign or approaching or merging traffic.
- L.) Signs which when located in such a manner as to materially impede the view of any street or intersection.

13. **Signs Exempt from Permit and License Requirements:**

- a. Bulletin Board. A freestanding bulletin board or similar sign used for occasional commercial purposes, not exceeding 32 square feet in display area in connection with any church, museum, library, school or similar public structure is allowed without a permit.
- b. Balloon less than twenty-four (24) inches in diameter.
- c. Holiday decorations, including lighting, are exempt from the provisions of this by-law and may be displayed without a permit.
- d. Decals used to reference authorized services (e.g. credit or bank cards) when not exceeding 144 square inches in total display area per business.
- e. Incidental sign – a sign that has a purpose secondary to the use of the lot on which it is located, such as "telephone", "drive-up window", "cash machine" and other similar directives.

- f. Open Flags. One non-illuminated “OPEN” flag may be displayed for each separate business unit in connection with commercial promotion. No name, logo or lettering other than the word “OPEN” may be displayed on such signs. OPEN flags may be displayed at the building during business hours and must be displayed at the building entrance.
- g. Building markers and historic or commemorative plaques are exempt from a permit and a license.
- h. Construction Signs – One (1) temporary freestanding construction sign or wall sign per project construction site is exempt from obtaining a permit and a license on each street frontage of the project, subject to the following conditions:
  - (1) The construction sign shall not exceed thirty-two (32) square feet.
  - (2) The construction sign shall be a maximum of six (6) feet in height for residential districts or 15 feet in height for other districts.
- i. Flags, noncommercial.
- j. Garage sale signs.
- k. Home improvement/home construction/home remodeling signs are exempt from obtaining a permit and license provided:
  - i. There shall be only one such sign not exceeding thirty-two (32) square feet in total surface area and four (4) feet in height for each lot.
- l. Interior signs.
- m. Murals.
- n. Official signs and notices
- o. Political Signs.
- p. Public Utility Signs.
- q. Real Estate signs are exempt from obtaining a permit and license, provided:
  - ii. Real Estate Signs for Single or two-family Residential Dwellings or lots.
  - iii. There shall be one (1) sign per street frontage up to a maximum of two (2) signs per lot.
  - iv. Such sign shall be located on the lot for sale or lease.
  - v. Such sign shall not exceed six (6) square feet.

**Real Estate Signs for other uses:**

**General Provisions:** The real estate sign shall be located on the site for sale or lease. The site may elect one (1) of the following options, subject to other provisions within this bylaw:

- (i) Incorporate the real estate sign into the permanent identification sign; or
- (ii) One real estate sign, not exceeding six (6) square feet, shall be permitted per street frontage up to a maximum of two (2) signs per site. The maximum height shall be six (6) feet.
- (iii) Real Estate signs shall be included as part of the square footage calculations for permanent signs.
- r. Residential nameplates are exempt from obtaining a permit.
- s. Warning signs. Signs warning of construction, excavation, underground utility pipes, or similar hazards, so long as the hazard exists, including any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- t. “No Trespassing”, “No Parking”, and other similar signs are also exempt.

**ARTICLE 28:** To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 11.32 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, the text of which is as on file in the Office of the Town Clerk and the Planning Board; and further to amend the Town of Freetown Protective By-Laws Article 11 Zoning By-laws Outline to add Section 11.32; and/or take any other action relative thereto.

**Explanation: This moratorium will give the Town an opportunity to examine the issue of recreational marijuana and to develop appropriate bylaws.**

---

**SECTION 11.32 Temporary Moratorium on Recreational Marijuana Establishments**

**A. Purpose**

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

**B. Definition**

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

**C. Temporary Moratorium**

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through June 30, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

**ARTICLE 29:** To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 11.33 MEDICAL MARIJUANA OVERLAY DISTRICT, the text of which is as on file in the Office of the Town Clerk and the Planning Board; and further to amend the Table of Contents to add Section 11.33, "Medical Marijuana Overlay District" ; further, to amend the Town of Freetown Zoning Map, by adding the proposed Medical Marijuana Overlay District, as depicted on a map on file in the Office of the Town Clerk and the Planning Board and/or take any other action relative thereto.

**Explanation: This will establish the areas in Town that Registered Marijuana Dispensaries can dispense, cultivate, and/or prepare medical marijuana.**

---

### **Section 11.33 Medical Marijuana Overlay District**

**A. Establishment:** The Medical Marijuana Overlay District (“MMOD”) is established as an overlay district. The boundaries of the MMOD are shown on the Zoning Map on file with the Town Clerk. Within the MMOD, all requirements of the underlying district(s) remain in effect, except where these regulations provide an alternative to such requirements. Land within the MDOD may be used either for (1) a Registered Marijuana Dispensary (“RMD”), in which case the requirements set forth in this section shall apply; or (2) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MMOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MMOD conflict with the requirements of the underlying district, the requirements of the MMOD shall control.

**B. Purpose:** To provide for the placement of RMDs, in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq., in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of RMDs on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of RMDs.

**C. Definitions:** where not expressly defined in the Zoning Bylaws, terms used in the MMOD Bylaw shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq. and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.001, et seq., and otherwise by their plain language.

1. Registered Marijuana Dispensary: also known as a Medical Marijuana Treatment Center, means a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (“MIPs”), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

#### **D. Location**

1. RMDs may be permitted in the MMOD pursuant to a Special Permit; RMDs in the I2 district will be allowed by right.

2. RMDs may not be located within 500 feet of the following:

- (a) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
- (b) Child Care Facility;
- (c) Library;
- (d) Playground;

- (e) Public Park;
- (f) Youth center;
- (g) Public swimming pool;
- (h) Video arcade facility; or
- (i) Similar facility in which minors commonly congregate.

3. The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in Section 4.b. to the nearest point of the property line of the proposed RMD.

4. The distance requirement may be reduced by twenty-five percent or less, but only if:

(a.) The applicant demonstrates that the RMD would otherwise be effectively prohibited within the municipality;  
And

(b.) The applicant demonstrates that the RMD will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004.

**E. Procedure:** The Planning Board shall be the Special Permit Granting Authority (SPGA) for a RMD special permit.

1. Application: In addition to the materials required under Rules and Regulations of the Planning Board as Special Permit Granting Authority, the applicant shall include:

(a.) A copy of its registration as an RMD from the Massachusetts Department of Public Health (“DPH”);

(b.) a detailed floor plan of the premises of the proposed RMD that

(c.) identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of MIPs;

(d.) detailed site plans that include the following information:

(1.) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw;

(2.) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;

(3.) Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected be substantially affected by on-site changes;

(4.) Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;

(5.) Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and

(6.) Adequacy of water supply, surface and subsurface drainage and light.

(e.) a description of the security measures, including employee security policies, approved by DPH for the RMD;

(f.) a copy of the emergency procedures approved by DPH for the RMD;

(g.) a copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the RMD;

(h.) a copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH;

(i.) a copy of proposed waste disposal procedures; and

(j.) a description of any waivers from DPH regulations issued for the RMD.

2. The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, Board of Water Commissioners, and the Planning Board. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

3. After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the SPGA may act upon such a permit.

**F. Special Permit Conditions on RMDs:** The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's RMD, the SPGA shall include the following conditions in any special permit granted under this Bylaw:

1. Hours of Operation, including dispatch of home deliveries.

2. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Zoning Enforcement Officer and the SPGA within 24 hours of creation by the RMD. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.

3. The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the RMD with the Zoning Enforcement Officer and SPGA within 48 hours of receipt by the RMD.

4. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.

5. The special permit shall lapse within five years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.

6. The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the RMD.

7. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.

8. The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH.

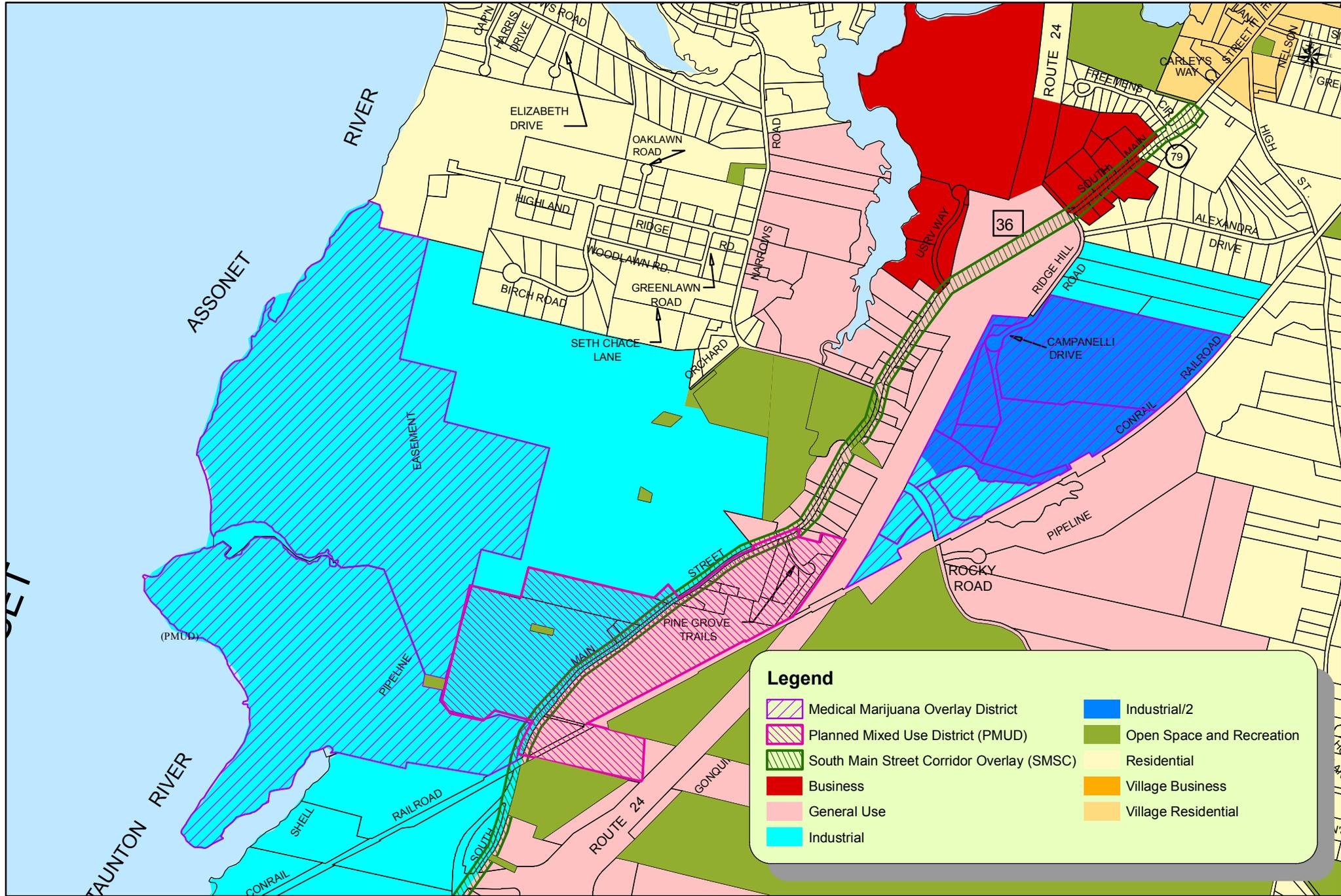
**G. Exemption from RMD Special Permit requirement:** RMDs that demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A §3 are not required to obtain a special permit, but shall apply for Site Plan Approval pursuant to Section 11.23

**H. Prohibition Against Nuisances:** No use shall be allowed in the MMOD which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors,

obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

**I. Severability:** The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw

# Town of Freetown Proposed Medical Marijuana Overlay District



**Legend**

Medical Marijuana Overlay District	Industrial/2
Planned Mixed Use District (PMUD)	Open Space and Recreation
South Main Street Corridor Overlay (SMSC)	Residential
Business	Village Business
General Use	Village Residential
Industrial	

Map produced by GIS/ES&I as the data systems of zoning, regional planning, decisions and are not warranted for any other use. This map is not intended for engineering, legal or survey purposes.

Produced by:  
GIS/ES&I  
GIS & Engineering Services Center

Date:  
MapScale: 1:50,000  
Office of Geographic and Environmental Information  
MapScale: 1:50,000  
10 Park Plaza  
Boston, MA 02114